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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/717,784	11/21/2000	Heli Heiskari	944-003.040	8542
4955	7590	04/05/2004	EXAMINER	
WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468			NGUYEN, LE V	
			ART UNIT	PAPER NUMBER
			2174	

DATE MAILED: 04/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/717,784

Applicant(s)

HEISKARI, HELI

Examiner

Le Nguyen

Art Unit

2174

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See continuation sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: \_\_\_\_\_.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

*Kristine Kincaid*  
KRISTINE KINCAID  
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TECHNOLOGY CENTER 2100

Continuation of 5. NOTE: Applicant's arguments in a Request for Reconsideration have been fully considered but they are not persuasive.

Applicant argued as follows:

Smith fails (and did not even try) to describe selected stripes of the light and dark stripes change from dark to light and back to dark to indicate a highlight adjacent another edge of the icon. Moreover, Smith "uses only dark edge", whereas Applicant's icon uses both dark and light edges.

The Examiner disagrees for the following reasons:

Firstly, it is noted that there is a discrepancy in Applicant's comparison of Applicant's own icon and that of Smith. While Smith's icon actually comprises of the 15x20 bit-grid as depicted in an exemplary bitmap view 1014 of fig. 10, Applicant has chosen Smith's icon as being only the bits that are edited or drawn by the user. Subsequently, a more correct comparison should be made between Smith's collective bits/bitmap (col. 7, lines 60-63) to Applicant's own icon depicted as element 12 of fig. 1, unless, Applicant means to compare Smith's bits edited or drawn by the user to Applicant's drawing of a squiggly line inside element 12 of fig. 1 (and not element 12 in its entirety as "the" icon).

With that assertion, Smith's bit or bits, being consistent with the definition that a stripe is a line wherein a line has a length and, by mathematical definition, Smith's bit conforms with the definition of a line/stripe in that a line as it moves towards zero is a point, does have stripes changing from dark stripe to light stripe to dark stripe to indicate a highlight adjacent an edge or another edge of the icon as required by the claim language (e.g. from left to right of element 1014 of fig. 10, col. 2 depicts selected stripes of the light and dark stripes change from dark, rows 1-6 of col. 2, to light, row 7 of col. 2, and back to dark, rows 8-14 of col. 2), to draw attention to or highlight/emphasize and wherein stripes are adjacent to the icon edge. Moreover, Smith teaches the use of both dark and light edges in that the edges or boundaries of the icon has both dark and light coloring as can be seen in the left edge, top edge and right edge of fig. 10.